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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,778	01/25/2006	Kazuhito Kurita	284681US6PCT	7592

22850 7590 01/05/2009

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EXAMINER	
KLIMOWICZ, WILLIAM JOSEPH	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
01/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/565,778	KURITA ET AL.	
	Examiner	Art Unit	
	William J. Klimowicz	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 14, 2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takemasa et al. (JP 2000-090539 A).

As per claim 1, Takemasa et al. (JP 2000-090539 A) discloses a disc recording and/or reproducing apparatus (e.g., see FIG. 6(B)) comprising disc cartridge (3) (see FIG. 6B) comprising: a disc (3b); and a main cartridge body unit (3) adapted for rotatably housing said disc (3b) therein and provided in at least one surface (bottom surface of cartridge (3) resting upon (13) as seen in FIG. 6B) thereof with a recording and/or reproducing aperture (see aperture

in FIG. 6B, wherein the pickup is allowed to optically access the disk (3b)) for exposing a part of said disc (3b) across inner and outer rims thereof; an annular loading support part (13) associated with a recording apparatus structure) configured to position said disc cartridge (3) in the horizontal direction and in the height-wise direction (projection (13b) limits lateral movement of the cartridge, while table (13a) positions the cartridge height-wise)), said loading support part having a ring-shaped center fitting protrusion (13b). More specifically, said protrusion is considered to be ring-shaped since the portion (13b) is the outside edge of a circular body, as a wheel; rim. As set forth in www.dictionary.com, the definition of "ring" includes "6. the outside edge of a circular body, as a wheel; rim." Thus, based on such a definition, it is clear that the outside edge of the circular body (13b) is indeed "ring-shaped."

The annular loading support part has the ring-shaped fitting protrusion (13b) at an inner periphery fitted in said opening for a driving unit of said disc cartridge wherein an opening (opening on bottom of cartridge (3) into which portion of turntable (13) engages the disk (3b)) into which for a driving unit (portion of (13)), into which is intruded at least a part of rotational driving means (portion of (13) engaging disk (3b)), configured for rotationally driving said disc (3b), is formed in one surface of said main cartridge body unit (3); the inner peripheral surface of said opening for the driving unit operating as a mounting reference plane in a planar direction for mounting the disc cartridge on a recording and/or reproducing apparatus (that is the vertical wall portion of cartridge (3) which faces the turntable (13) and which corresponds to turntable portion (13c) as best seen in FIG. 5; cf. FIGS. 5 and 6B); the peripheral edge of said opening for the driving unit in said one surface operating as a mounting reference plane in the height-wise direction for mounting the disc cartridge on the recording and/or reproducing apparatus (that is

the bottom wall portion of (3) which sits on and is supported by the turntable (13) and which corresponds to turntable portion (13a) as best seen in FIG. 5; cf. FIGS. 5 and 6B).

Applicant should keep in mind that claim 1 is drawn to the cartridge, per se, and as such, any cartridge having the aforementioned opening for allowing access to a spindle motor turntable will structurally meet the claim, since the structure of a turntable is not needed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga (JP 2003-115152 A) in view of Takemasa et al. (JP 2000-090539 A).

As per claim 6, Kasuga (JP 2003-115152 A) discloses a disc recording and/or reproducing apparatus (1) (FIG. 1) comprising: a cartridge holder (12A) on which is loaded a disc cartridge (2) including a main cartridge body unit (2), said main cartridge body unit having rotatably housed a disc (23), said main cartridge body unit (2) being provided in at least one surface thereof with a recording and/or reproducing aperture for exposing a part of said optical disc (23) across inner and outer rims (see FIGS. 6 and 7), there being formed in one surface of said main cartridge body unit (2) an opening (see FIG. 7), into which is intruded at least a part of rotational driving means configured for rotationally driving said disc (23).

As per claim 2, wherein a lateral side of said main cartridge body unit (2) is formed as a substantially semicircular arcuate section having the center of said disc (23) housed in said main cartridge body unit as center - see, e.g. FIGS. 5-7.

As per claim 3, wherein said arcuate section is formed on a side of insertion of said main cartridge body unit (2) into the recording and/or reproducing apparatus (1) - see, e.g. FIGS. 5-7 and FIG. 1.

As per claim 4, wherein said recording and/or reproducing aperture is formed facing a lateral side of said main cartridge body unit (2) other than the lateral side formed as said arcuate section - see, e.g. FIGS. 5-7.

As per claim 5, further comprising: a shutter unit (25) for opening/closing said recording and/or reproducing aperture; and a slide guide (e.g., the upper section of (21) that faces shutter (25) and upon which the shutter (25) slides, as best seen in FIG. 5) formed on said main cartridge body unit (2) for movably carrying said shutter unit (25); said slide guide being provided such that, when an inner peripheral surface is set on said recording and/or reproducing apparatus, a mounting reference plane in said height-wise direction is protruded from said slide guide towards said rotational driving means (since the portion (21) is provided on the upper half, and the lower half (22) is the side that sets of the turntable and is closer thereto that side (21) - see, e.g. FIGS. 5-7.

As per claims 1 and 6, however, Kasuga (JP 2003-115152 A) does not expressly disclose wherein the inner peripheral surface of said opening operating as a mounting reference plane in a planar direction for mounting the disc cartridge on a recording and/or reproducing apparatus; the peripheral edge of said opening in said one surface operating as a mounting reference plane in

the height-wise direction; a cartridge support part having a fitting protrusion fitted in said opening for a driving unit of said disc cartridge, said cartridge support part carrying the peripheral edge of said opening for the driving unit of said disc cartridge; and a loading support part for positioning said disc cartridge in the horizontal direction and in the height-wise direction.

Such structure is known, however.

As per claim 1, Takemasa et al. (JP 2000-090539 A) discloses a disc cartridge (3) (see FIG. 6B) comprising: a disc (3b); and a main cartridge body unit (3) adapted for rotatably housing said disc (3b) therein and provided in at least one surface (bottom surface of cartridge (3) resting upon (13) as seen in FIG. 6B) thereof with a recording and/or reproducing aperture (see aperture in FIG. 6B, wherein the pickup is allowed to optically access the disk (3b)) for exposing a part of said disc (3b) across inner and outer rims thereof; an annular loading support part (13) (associated with a recording apparatus structure) configured to position said disc cartridge (3) in the horizontal direction and in the height-wise direction (projection (13b) limits lateral movement of the cartridge, while table (13a) positions the cartridge height-wise)), said loading support part having a fitting protrusion (13b) at an inner periphery fitted in said opening for a driving unit of said disc cartridge wherein an opening (opening on bottom of cartridge (3) into which portion of turntable (13) engages the disk (3b)) into which for a driving unit (portion of (13)), into which is intruded at least a part of rotational driving means (portion of (13) engaging disk (3b)), configured for rotationally driving said disc (3b), is formed in one surface of said main cartridge body unit (3); the inner peripheral surface of said opening for the driving unit operating as a mounting reference plane in a planar direction for mounting the disc cartridge

on a recording and/or reproducing apparatus (that is the vertical wall portion of cartridge (3) which faces the turntable (13) and which corresponds to turntable portion (13c) as best seen in FIG. 5; cf. FIGS. 5 and 6B); the peripheral edge of said opening for the driving unit in said one surface operating as a mounting reference plane in the height-wise direction for mounting the disc cartridge on the recording and/or reproducing apparatus (that is the bottom wall portion of (3) which sits on and is supported by the turntable (13) and which corresponds to turntable portion (13a) as best seen in FIG. 5; cf. FIGS. 5 and 6B).

Additionally, a cartridge support part having a fitting protrusion fitted in said opening (13c) (see FIG. 5 and 7) for a driving unit of said disc cartridge, said cartridge support part carrying the peripheral edge of said opening for the driving unit (13) of said disc cartridge (3); and a loading support part (13a) (see FIGS. 5 and 7) for positioning said disc cartridge in the horizontal direction and in the height-wise direction.

Moreover still, as per claims 1 and 6, said annular loading support part (13) having a fitting protrusion (13b) at an inner periphery (relative to the outer periphery of portion (13a) - see FIG. 5), fitted in said opening for a driving unit of said disc cartridge (3), said annular loading support part (13) having a tapered surface (curved portion (13c)) at an outer periphery carrying the peripheral edge of said opening (see FIG. 6B and FIG. 5) for the driving unit of said disc cartridge (3).

More specifically, said protrusion is considered to be ring-shaped since the portion (13b) is the outside edge of a circular body, as a wheel; rim. As set forth in www.dictionary.com, the definition of "ring" includes "6. the outside edge of a circular body, as a wheel; rim." Thus,

based on such a definition, it is clear that the outside edge of the circular body (13b) is indeed "ring-shaped."

Additionally, as per claim 7, wherein said loading support part (13a) (FIG. 5) is formed for surrounding the outer rim of rotation driving means (i.e., (13a) surrounds and is located outward of portion (13c) as seen in FIG. 5) adapted for rotationally driving said disc.

Given the express teachings and motivations, as espoused by Takemasa et al. (JP 2000-090539 A), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the structure as set forth in claims 1 and 6, as taught by Takemasa et al. (JP 2000-090539 A), to the device of Kasuga (JP 2003-115152 A).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the structure as set forth in claim 6, as taught by Takemasa et al. (JP 2000-090539 A), to the device of Kasuga (JP 2003-115152 A) in order to allow the drive of Kasuga (JP 2003-115152 A) to function as a compatible disk layer, capable of playing media with bare discs and with discs loaded in cartridges, as expressly taught and suggested by Takemasa et al. (JP 2000-090539 A).

Response to Arguments

Applicant's arguments filed November 14, 2008 have been fully considered but they are not persuasive.

At page 6 of the Response filed on November 14, 2008, the Applicant states:

> Turning next to the rejection of Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Takemasa, the Official Action (page 4) recites "said loading support part having a fitting protrusion (13b) at an inner periphery fitted in said opening for a driving unit of said disc cartridge." In response, Applicants note that para [0018] of Takemasa describes (13b) as the CD axis of rotation. Figure 7 appears to show 13(b) to be an upstanding wall portion that engages the inner edge of the center hole of the CD.
>
> In response to the rejection, Applicants have amended Claim 1 to recite that the fitting protrusion at the inner periphery is a ring-shaped center fitting protrusion. This distinguishes from the structure of Takemasa. In addition, Applicants note that 13(b) of Takemasa engages the inner edge of the opening in the CD 2, and does not describe a ring-shaped center fitting protrusion at an inner periphery fitted in an opening of the disc cartridge for a driving unit, as recited in Claim 1. From all of the above, Applicants believe that Claim 1, as amended, is not anticipated by Takemasa and that this rejection should be reconsidered and withdrawn.

The Examiner respectfully disagrees, and maintains that the claims, as currently amended, still read on the claimed invention.

More specifically, Takemasa et al. (JP 2000-090539 A) discloses, as clearly shown in FIG. 6(B), wherein the cartridge body has the opening which accepts (13), and the inner peripheral edge of the opening ***of the cartridge*** (not the disc) is adjacent the vertical wall portion of (13) that corresponds to the vertical wall portion (13b) as seen in FIG. 5 of Takemasa.

Additionally, as set forth in the rejection, *supra*, the protrusion is considered to be ring-shaped since the portion (13b) is the outside edge of a circular body, as a wheel; rim. As set forth in www.dictionary.com, the definition of "ring" includes "6. the outside edge of a circular body, as a wheel; rim." Thus, based on such a definition, it is clear that the outside edge of the circular body (13b) is indeed "ring-shaped."

At page 7 of the Response, the Applicant states:

> Turning to independent Claim 6, this claim also recites the ring-shaped fitting protrusion at the inner periphery, and is patentable for the same reasons as Claim 1. In addition, to further distinguish over the applied references, Applicants have amended independent Claim 6 to additionally recite that the annular loading support part has, at the outer periphery, a tapered surface carrying the peripheral edge of said opening of said disc cartridge. This additional limitation is also not found in either of the references relied upon in the rejection.

The Examiner disagrees. More specifically, Takemasa discloses that the annular loading support part (13) has a tapered surface (curved portion (13c)) at an outer periphery carrying the peripheral edge of said opening (see FIG. 6B and FIG. 5) for the driving unit of said disc cartridge (3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/
Primary Examiner, Art Unit 2627